



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 8 2009

The Honorable Lyonel Tracy
Commissioner of Education
New Hampshire Department of Education
101 Pleasant Street
Concord, New Hampshire 03301

Dear Commissioner Tracy:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB) which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to New Hampshire. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

- Assessment system: An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007–08 administration of science assessments are attached.
- Accountability components: The Department's new Title I regulations provide for greater scrutiny to states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rate that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on New Hampshire's minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- Departmental flexibilities: Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient (LEP) students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that New Hampshire is participating in several of these endeavors.
 - Statewide Longitudinal Data Systems Grant: New Hampshire Statewide Longitudinal Data System; Amount: \$3,176,272
 - General Supervision Enhancement Grant: New Hampshire, in partnership with the University of New Hampshire, received funds to work toward development of an alternate assessment based on

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

alternate academic achievement standards. (Year 1: \$400,000; Year 2: \$300,000; Year 3: \$300,000)

- Enhanced Assessment Grant:
 - In collaboration with 11 states, New Hampshire received funds in fiscal year 2007 to examine the feasibility and effect of using a comprehensive test delivery system to improve test validity for students with disabilities and special needs who are believed to benefit from one or more of the accessibility accommodations built into the system. Amount: \$1,765,196
 - New Hampshire received funds in fiscal year 2003 to implement *Knowing What Students with Significant Cognitive Disabilities Know: Defining and Disseminating Technical Criteria for Alternate*. This project aimed to address the short-term practical necessity of technical adequacy documentation and the longer-term research commitment to building measurement models that "work" to measure achievement for this group of students. Amount: \$1,058,243

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in New Hampshire. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,



Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor John Lynch
Deb Wiswell

Assessment System

Your assessment system met the requirements to be considered *Approval Pending*. This means New Hampshire's standards and assessment system does not meet all statutory and regulatory requirements of Section 1111(b)(1) and (3) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). As a result, New Hampshire has entered into a compliance agreement with the Department.

- Because your state's assessment system is not fully approved, New Hampshire must submit evidence enclosed with this letter and that was originally sent on September 28, 2007.
- New Hampshire's science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. New Hampshire appears to meet these requirements. New Hampshire will need to submit the evidence that (1) all students were included in the science assessments and (2) evidence that results from the science alternate are included in summary reports.
 - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Since New Hampshire has not brought in its science assessments for peer review to date, it must do so by March 2009 at the latest. Beginning with the 2008-09 school year, science assessments will be included in the states' assessment status. For additional details, please see the enclosed fact sheet.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): New Hampshire's minimum group size is 11. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: New Hampshire's goal for this year is 86 and 85 percent of grades 3-8 and high school students, respectively, scoring proficient in reading/language arts and 82 and 76 percent of grades 3-8 and high school students, respectively, scoring proficient in mathematics.
 - AMO type: New Hampshire set its AMOs consistent with the statutory requirements, using a stair-step method. This means that New Hampshire's AMOs increased in three-year increments to reach 100 percent proficiency.
- Confidence interval: The state applies a confidence interval of 99 percent to the percentage of students scoring proficient or above in the school.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In New Hampshire, a student must be enrolled on the first business day in October in order to be included in AYP determinations.
- Graduation rate:
 - Currently, New Hampshire's graduation rate multiplies the completer rate by the regular diploma rate. The completer rate is 100 percent minus the cumulative drop out rate and the regular diploma rate is the number of completers with regular diplomas earned in the standard number of years divided by the number of completers with regular plus nonstandard diplomas.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate beginning with report cards providing assessment results for the 2010-11 school year.

- The graduation rate target New Hampshire requires for the district or school to make AYP is 75 percent or improvement over the previous two years.
- According to the National Governor's Association (NGA) 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, New Hampshire "is taking steps to implement the NGA Compact 4-year graduation rate by 2010."
- New Hampshire uses a performance index when calculating AYP, which provides 20 points to schools and districts for any student scoring in the low range of Substantially Below Proficient, 40 points to students in the high range of Substantially Below Proficient, 60 points to students scoring in the low range of Partially Proficient, 80 points for students scoring in the high range of Partially Proficient, and full credit (100 points) for students scoring Proficient and Advanced. New Hampshire's AMOs were set based on this performance index.

SUMMARY OF EVIDENCE NEEDED TO MEET ESEA REQUIREMENTS FOR A NEWLY DEVELOPED ALTERNATE ASSESSMENT BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. Evidence of approved/adopted alternate academic achievement standards for students with the most significant cognitive disabilities in reading/language arts and mathematics for each of grades 3 through 8 and high school.
2. Evidence that the alternate academic achievement standards include, for each content area:
 - a. At least three levels of achievement, including two levels of high achievement (e.g., proficient and advanced) that determine how well students are mastering a State's academic content standards and a third level of achievement (e.g., basic) to provide information about the progress of lower-achieving students toward mastering the proficient and advanced levels of achievement;
 - b. Descriptions of the competencies associated with each achievement level; and
 - c. Assessment scores ("cut scores") that differentiate among the achievement levels
3. Evidence that the Board or other authority has adopted all alternate academic achievement standards.
4. Documentation that the State has reported separately the number and percent of those students with disabilities assessed against alternate academic achievement standards, those assessed on an alternate assessment against grade-level standards, and those included in the regular assessment (including those administered with appropriate accommodations).
5. Evidence that the State has documented the involvement of diverse stakeholders in the development of its alternate academic achievement standards.

4.0 - TECHNICAL QUALITY

1. Evidence that the State has documented validity (in addition to the alignment of the alternate assessment with the content standards), as described in the Standards for Educational and Psychological Testing (AERA/APA/NCME, 1999).
2. For the alternate assessments, evidence that the State has provided documentation of the standard setting process including a description of the selection of judges, methodology employed, and final results.
3. For the alternate assessments, evidence that the State has considered the issue of reliability, as described in the Standards for Educational and Psychological Testing (AERA/APA/NCME, 1999).
4. Evidence that the State has ensured that its alternate assessment system is fair and accessible to all eligible students, including students with limited English proficiency.
5. Evidence that the State has taken steps, such as bias review of items, to ensure fairness in the development of the alternate assessment.
6. When different test forms or formats are used for the alternate assessment, evidence that the State has ensured that the meaning and interpretation of results are consistent.
7. Evidence that the State has established:
 - a. Clear criteria for the administration, scoring, analysis, and reporting components of its alternate assessment; and
 - b. A system for monitoring and improving the on-going quality of its alternate assessment.

5.0 – ALIGNMENT

1. Evidence that the State has taken steps to ensure alignment between its alternate assessment and the State's academic content and alternate academic achievement standards.
2. Evidence that the State has developed ongoing procedures to maintain and improve alignment between the alternate assessment and standards over time, particularly if gaps have been noted.

6.0 – INCLUSION

1. Evidence that the State has implemented alternate assessments for students whose disabilities do not permit them to participate in the regular assessment even with accommodations.
2. Evidence of guidelines and training that the State has in place to ensure that all students with disabilities taking the alternate are included appropriately in the State assessment system.
3. Evidence that the State has developed clear guidelines for Individualized Educational Program (IEP) Teams to apply in determining which assessment is most appropriate for a student.
4. Regarding the alternate achievement standards:
 - a. Evidence that the State has developed clear guidelines for IEP Teams to apply in determining when a child's cognitive disability justifies assessment based on alternate academic achievement standards; and
 - b. Evidence of the steps the State has taken to help regular and special education teachers and other appropriate staff know how to administer assessments, including making use of accommodations, for students with the most significant cognitive disabilities.

7.0 – REPORTING

1. Evidence that the State's reporting system facilitates appropriate, credible, and defensible interpretation and use of its alternate assessment data.
2. Evidence that the State has provided for the production of individual interpretive, descriptive, and [non-clinical] diagnostic reports that indicate relative strengths and instructional needs:
 - a. Evidence that these individual student reports express results in terms of the State's alternate academic achievement standards rather than numerical values such as scale scores or percentiles;
 - b. Evidence that these individual student reports provide information for parents, teachers, and principals to help them understand and address a student's specific academic needs. This information must be displayed in a format and language that is understandable to parents, teachers, and principals, for example through the use of descriptors that describe what students know and can do at different performance levels. The reports must be accompanied by interpretive guidance for these audiences; and
3. Evidence that the State ensures that these individual student reports will be delivered to parents, teachers, and principals as soon as possible after the alternate assessment is administered.